

Serial No. 10/521,389
Atty. Doc. No. 2002P08101WOUS

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REMARKS

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1. Status of the Claims

Claims 16-19, 22 and 24-35 remain in the application. All of the claims were finally rejected under Section 102 and Section 103. The Section 102 rejection of claims 16, 19-21, 27, 29-31 and 35 is a new ground of rejection based on Nuovo 2004/0102230 (previously of record). The several rejections under Section 103 of claims 17-18, 24-25, 26, 28 and 35 are also based on new grounds, drawing upon other art previously made of record in combination with Nuovo: Mischenko '361; Gahl (2004/0082370); Montminy (2004/0102230); and Pontoppidan '716.

Independent claims 16 and 35 are amended to further distinguish the invention and thereby place the application into condition for allowance. Reconsideration of the rejection applied to claims 32-34 is again requested in view of errors that were brought to the Examiner's attention in the prior response.. Entry of the amendment and removal of the rejections is requested in view of the following patentable distinctions.

2. Amendment to Overcome Rejection of Claims 16-18, 24-25, 27 and 29-31 under Section 102

Claim 16 was rejected based on Nuovo, in part because the examiner identified the following disclosure in the Nuovo reference: edges 320 of the front face 3 which "take the form of a flange that extends around the perimeter of the front face." See Par. [0078].

Claims 17-19 have included features of a second flange a third flange and a labyrinth seal, but these claims met with rejection based on structure in the Nuovo reference which applicant never intended for the claims to read upon. For example, the final rejection relies, in part, on a combination of two base bodies and a rail and a sealant. See page 7 of the final office action. In contrast, claim 16 is directed to a "first enclosure base body and a second enclosure base body which, together, contain the device ..."

To fully distinguish the invention over this prior art applicant replaces limitations previously used to distinguish claim 16 with features more responsive to the new rejections over Nuovo. Claim 16 as now presented remains narrower than when first rejected over Nuovo and includes features which are not found in any combination of the prior art. Claim 16 now requires:

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"a first enclosure base body comprising a first base body component formed of a relatively hard material and a second base body component formed of relatively soft material and formed against the hard base material, the first base body component comprising a first edge positioned along an outer periphery thereof ... wherein portions of the second base body component are spaced apart from the first edge by a recess defined along the first edge with the portions of the second base body component providing a sealing first flange configured to make contact with the second edge, said sealing first flange made of an elastically deformable material."

Examples of this claimed structure are illustrated in figures 8 and 9. In figure 8, a first sealing flange 27 of relatively soft material is spaced apart from an edge 14 of relatively hard material with a recess 30 defined along the edge 14. None of this claimed structure can be read upon the Nuovo reference. By way of example, the Nuovo reference does not teach or suggest a structure wherein:

"portions of the second base body component are spaced apart from the first edge by a recess defined along the first edge"

Nor can applicant's claim 16 be read on a combination of multiple base bodies and a rail and a sealant because the claimed structure is specific to relationships between the first base body and the second base body. For this reason claim 17 is distinguished over Nuovo. Claim 17 requires "a second edge flange" which is "positioned along an outer periphery" of either the "first enclosure base body component" or "the second enclosure base body." Claim 18, incorporating a third flange, and claim 19, incorporating a labyrinth seal of claim 19, are distinguishable for similar reasons.

Finally, it is also noted that, as urged in the prior response, claim 16 is distinct from the Nuovo reference because it requires that the:

"first enclosure base body and... second enclosure base body ... together, contain the device..."

In contrast, the rejections based on Nuovo have required reading claims (inconsistently) on a combination of base bodies and a rail and a sealant. This is inconsistent with the terms of claim 16.

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For all of these reasons claim 16 and the claims which depend therefrom are distinct over the Nuovo reference. Moreover, none of the art of record can be combined with the Nuovo reference to provide the claimed subject matter. It is only the applicant who teaches the combination "wherein portions of the second base body component are spaced apart from the first edge by a recess defined along the first edge with the portions of the second base body component providing a sealing first flange ..." Allowance of the claims 16-18, 24-25, 27 and 29-31 is requested.

3. Improper Rejection of Claims 32-34 Under Section 103

Claims 32 – 34 were again rejected based on a combination of Nuovo in view of Gahl. However, as previously submitted, this rejection is premised on an incorrect conclusion: that the Gahl reference discloses "injecting a soft component forming an elastic seal onto the hard component ..." It is respectfully submitted that the reference does not disclose such subject matter. Specifically, the final office action characterizes the Gahl reference (at Paragraphs 10, 13 and 16) as disclosing an elastic material while the referenced paragraphs actually describe "electrical material." Moreover, the citation in the Gahl reference (par. 0013) does not even appear to suggest any difference in hardness such that either the first component or the second component would be characterized as a hard component or a soft component. For these reasons, it is submitted that claim 32 and the claims which depend therefrom are each distinct and non-obvious over any combination of the cited art.

4. Amendment to Overcome Rejection of Claim 35 Under Sections 102 and 103

Claim 35 was rejected under section 102 based on Nuovo and under Section 103 over Nuovo in view of Gahl. The rejection under Section 102 is not understood since the examiner relied upon Gahl in relation to a two-color injection molding process. Also, for reasons similar to those presented with respect to claim 16, claim 35 (amended) is now more fully distinguished and is non-obvious over the art of record. Instead of merely requiring an edge perimeter adapted to contact a mating surface, claim 35 has been amended to now require:

"a flange, formed along and spaced apart from the edge perimeter, extending in a direction to press against the mating surface when contact with the mating surface is made ..."

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Neither the Nuovo reference nor the Gahl reference teaches or suggests this structure. Moreover, for reasons recited above with regard to claim 32, the Gahl reference does not teach or suggest a "base body ... made from a hard plastic and ... [a] flange ... made from a softer plastic compared to the hard plastic, and wherein the base body and the flange form an integral part and are made by using a two-color injection molding process."

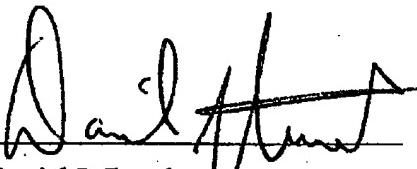
5. Conclusion

It is respectfully submitted that no combination of the art of record suggests the claimed invention. In view of the amendments and argument now presented, each of the claims is in condition for allowance and the examiner is asked to pass this application to issuance.

Respectfully submitted,

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